

U.S. App. No. 10/752,094
Attorney. Docket No. 740928-000140

REMARKS

In response to the Office Action, claims 1 and 9 have been amended. Claim 2 has been cancelled and new claims 10-13 have been submitted. Accordingly, claims 1 and 2-13 are currently pending.

Claims 1-9 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,823,543 to Burns et al. ("Burns").

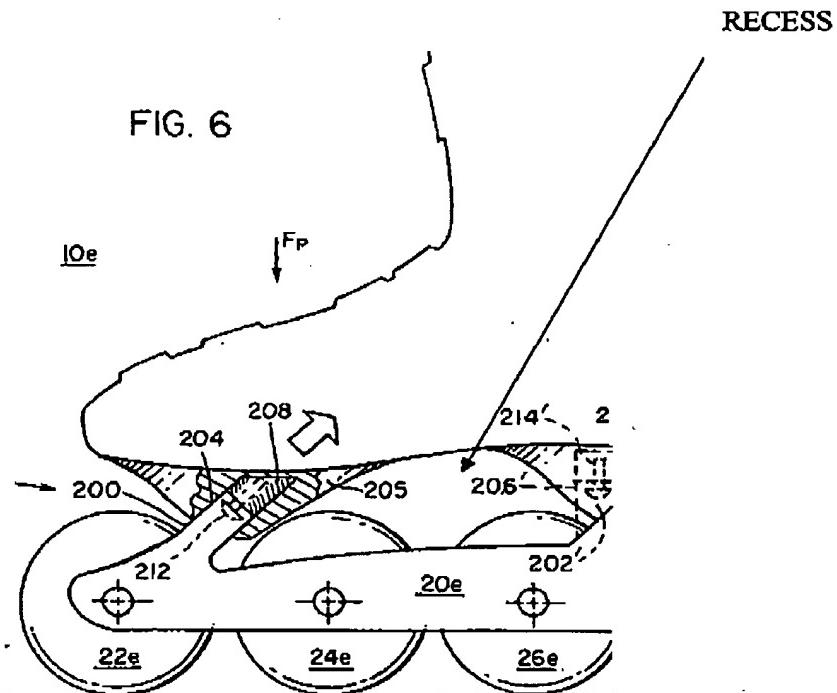
Amended claim 1 recites an in-line roller skate comprising a boot for receiving the foot of a user, the boot including a heel portion, a middle portion, a toe portion and a bottom portion. An outsole is disposed along the bottom portion of the boot. The outsole includes a toe section. A chassis including a pair of elongated, parallel frames is attached to the bottom portion of the skate. A plurality of wheels are mounted on said chassis between the pair of frames. The frames have opposed front and rear ends. The frames are connected at the front ends only by an axle of one of said wheels. A recess is disposed in the outsole of the boot in the toe section, and at least one of the plurality of wheels is partially recessed within the recess of the outsole.

Amended claim 9 recites an in-line roller skate comprising a boot for receiving the foot of a user. The boot includes a heel portion, a middle portion, a toe portion and a bottom portion. An outsole is disposed along the bottom portion of the boot. The outsole includes a toe section located below the toe portion. A chassis including a pair of elongated, parallel frames attached to the bottom portion of the skate. The frames have opposed front and rear ends. A plurality of wheels are mounted on the chassis. The front ends of the pair of frames are connected together at the toe portion by only an axle of at least one of the wheels. A recess is disposed in the outsole of the boot at the toe portion. At least one of the plurality of wheels is disposed below the recess of the outsole.

The Examiner takes the position that Burns discloses a "recess (not number as shown in figures 4, 6) disposed in the outsole of the boot" and frames that "are connected at the front ends only by an axle of one of the wheels (figure 6)." However, as shown in Fig. 6 below and as fully disclosed in Burns at Column 7, lines 18-24, the frames have upstanding elements 200 and 202 that extend upwardly into sockets 204, 206 of mounts 205 and 207. The recess is not "disposed in the outsole of the boot at said toe section," as recited in claims 1 and 9.

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FIG. 6



As shown above, Burn's recess is located in the middle portion of the boot. Moreover, due to the attachment of elements 200, 202 to the mounts 205, 207 located at the toe portion the recess could not be located in the toe portion as asserted by the Examiner.

Burns clearly teaches away from the claimed invention. Therefore, the claimed invention is not anticipated by or obvious in view of Burns.

New claims 9-13 recite that each of the frames of the chassis include a front mounting bracket for attaching the frames to the toe section of the outsole and that the recess is located between the front mounting brackets. Clearly, Burns does not disclose these claimed features.

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Given the above Applicants respectfully submit that the application is now in condition for allowance. A prompt passage to issuance is therefore earnestly solicited.

Respectfully submitted,



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